



ENTERED

TAWANA C. MARSHALL, CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.


United States Bankruptcy Judge

Signed September 01, 2011

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In re:	§	Case No 10-38592-SGJ-11
	§	
AMERISOUTH V, L.P.,	§	
	§	
Debtor.	§	

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
REGARDING MOTIONS FOR DETERMINATION THAT PLAN MODIFICATIONS
DO NOT ADVERSELY AFFECT ANY ACCEPTING CREDITOR THAT
HAS NOT ACCEPTED THE MODIFICATIONS IN WRITING
AND FILING OF SUPPLEMENTAL PLAN EXHIBITS**

On this day came on for consideration the *Motion for Determination That Plan Modifications Do Not Adversely Affect Any Accepting Creditor That Has Not Accepted the Modifications in Writing and Filing of Supplemental Plan Exhibits* [Docket No. 121], filed on July 20, 2011 (the “**First Modification Motion**”), the *Supplement to Motion for Determination That Plan Modifications Do Not Adversely Affect Any Accepting Creditor That Has Not Accepted the Modifications in Writing and Filing of Supplemental Plan Exhibit* and to

Modifications to Debtor's Amended Plan of Reorganization [Docket No. 122], filed on July 20, 2011 (the “**Modification Supplement Motion**”) and the *Motion for Determination That Amended Plan Modifications Do Not Adversely Affect Any Accepting Creditor That Has Not Accepted the Modifications in Writing* [Docket No. 144], filed on August 29, 2011 (the “**Amended Modification Motion**” and collectively with the First Modification Motion and the Modification Supplement Motion, the “**Modification Motions**”). By the Modification Motions, the Debtor asks the Court to approve (1) the *Modifications to Debtor's Amended Plan of Reorganization* [Docket No. 119]; (2) the modifications described in the Modification Supplement Motion; (3) the *Amended Modifications to Debtor's Amended Plan of Reorganization* [Docket No. 143] and (4) the *Corrected Amended Modifications to Debtor's Amended Plan of Reorganization* [Docket No. 149] (collectively, the “**Modifications**”). The Court, after noting that due notice of the Modifications Motions has been given to all parties-in-interest at the hearing to consider confirmation of the Debtor's *Amended Plan of Reorganization* [Docket No. 91] (the “**Plan**”) and after the consideration of the evidence submitted and the arguments of counsel during the confirmation hearing makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Adequate information was contained in the *Amended Disclosure Statement* [Docket No. 90] in this case as set forth in Section 1125 of the Code.
2. The Plan was not modified in such a manner that either classification or treatment of any creditor that voted to accept the Plan was materially altered in an adverse manner.

3. The Modifications do not cause any material adverse changes to the treatment of any class of creditors or interests that voted to accept the Plan, but which has not accepted the Modifications in writing.

4. Notice sent to the twenty (20) largest creditors and those requesting notice is sufficient notice for modifications that do not cause a material adverse change to the treatment of creditors or interest holders which voted to accept the Plan.

CONCLUSIONS OF LAW

1. The Plan, as modified, does not violate Sections 1122 and 1123 of the Code.

2. The Debtor met the qualifications of Section 1125 of the Code by virtue of the Amended Disclosure Statement.

3. All creditors and interest holders who voted in favor of the Plan are deemed to have accepted the Modifications.

END OF ORDER

SUBMITTED BY:

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